

U.S. Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535-0001



(U// [REDACTED]) Date: 9/8/2021

(U// [REDACTED]) Report: CLOSING LETTERHEAD MEMORANDUM

(U// [REDACTED]) Investigation: ARCTIC HAZE

(U// [REDACTED]) Preliminary Investigation (PI)

 X Full Investigation (FI)

 X Single subject

 Multi-subject

 Enterprise

 Foreign intelligence collection

(U// [REDACTED]) Investigation initiated by: X Field Office; or FBIHQ

(U// [REDACTED]) FI Initiated: 8/14/2017

(U// [REDACTED]) FBIHQ/DOJ notice via LHM required if (check all that apply):

 X A. Espionage Investigation

 B. SIM (PI or full)

 C. Enterprise investigation

 D. Foreign intelligence case

(U// [REDACTED]) I. Purpose of the Investigation:

Check the appropriate purpose for which the investigation is being initiated, as per AGG-Dom II.B.1 and DIOG §§6.2 and 7.2:

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Classified By: [REDACTED]

Derived From: [REDACTED]

Declassify On: [REDACTED]

- X A. To detect, obtain information about, or prevent, or protect against federal crimes or threats to the national security.
- ___ B. To collect positive foreign intelligence.
(Full investigations only)

(U// [REDACTED]) **II. Predication for the Investigation:**

Appropriate circumstances: Check the appropriate circumstance(s) on which the initiation of the Preliminary Investigation or Full Investigation is based, as per AGG-Dom II.B.3 and DIOG Sections 6.5 and 7.5:

- X A. (U// [REDACTED]) An activity constituting a federal crime or a threat to the national security has or may have occurred, is or may be occurring, or will or may occur and the investigation may obtain information relating to the activity or the involvement or role of an individual, group, or organization in such activity;
- ___ B. (U// [REDACTED]) An individual, group, organization, entity, information, property, or activity is or may be a target of attack, victimization, acquisition, infiltration, or recruitment in connection with criminal activity in violation of federal law or a threat to the national security and the investigation may obtain information that would help to protect against such activity or threat;
- ___ C. (U// [REDACTED]) The investigation may obtain foreign intelligence that is responsive to a positive foreign intelligence requirement, as defined in DIOG Section 7.4.C. [Full investigations only]

[REDACTED]

(U// [REDACTED] Factual Predication:

[REDACTED] FBI Washington Field Office (WFO) opened the Arctic Haze investigation based on a [REDACTED] [REDACTED] dated June 23, 2017. The [REDACTED] related that a New York Times article contained classified information (hereinafter "the Classified Information") held by [REDACTED]. The article was titled "Comey Tried to Shield the FBI from Politics. Then He Shaped an Election" which was published on April 22, 2017. The article was written by New York Times reporters Matt Apuzzo, Michael Schmidt, Adam Goldman, and Eric Lichtblau.

[REDACTED] The article discussed the FBI Midyear Exam investigation concerning Secretary of State Hillary Clinton's use of a private email server. In particular, the article focused on FBI Director James Comey's (Comey) decision to make public statements regarding the Midyear Exam investigation. On July 5, 2016, Comey issued a public statement announcing the FBI had completed the Midyear Exam investigation. His public statement, which was made unilaterally, and in a manner the United States Department of Justice Office of Inspector General (U.S. DOJ OIG) later found to be in violation of long-standing Department policy, criticized Clinton for uncharged conduct concerning the handling of classified information, and recommended the Department decline prosecution. Later, Comey made additional unilateral statements to Congress about re-opening and then again closing the Midyear Exam investigation in October 2016, just prior to the presidential election. This second set of statements was also criticized in the public and by the DOJ OIG.

[REDACTED] Comey has publicly indicated on several occasions that classified information contributed to his decision to make his independent July 5, 2016 and October 2016 announcements. Comey provided sworn testimony to the U.S. DOJ OIG and Senate Select Committee on Intelligence. Comey testified he made the July 5, 2016 announcement independently because he believed participation by Attorney General ("AG") Loretta Lynch would result in "corrosive doubt" about whether Lynch was acting impartially. Comey provided several justifications for this belief. First, Lynch was appointed by a President from the same political party as Clinton. Second, Lynch had earlier directed Comey to refer to Midyear Exam as a "matter," not an investigation. Third, Lynch had a widely publicized private conversation with former-President William Clinton during an apparent chance encounter on the tarmac of a Phoenix, Arizona airport on June 26, 2016. And fourth, Comey had concerns the Classified Information, which directly related to whether or not the Attorney General should have been recused from the Midyear Exam investigation, would be leaked to the media or would otherwise be disclosed. Comey stated, "One significant item I can't, I know the committee's been briefed on. There's been some public accounts of it, which are nonsense, but I understand the committee's been briefed on the classified facts."

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[REDACTED]

(U//[REDACTED] Comey alluded to the Classified Information in his book, *"Higher Loyalty: Truth, Lies, and Leadership."* According to Comey, there was a development in early 2016 concerning some classified information that had come into the possession of the United States government. According to Comey, the information came from a classified source, which remains classified, and it is still unknown to the American public. "Had it become public, the unverified material would undoubtedly have been used by political opponents to cast serious doubt on the Attorney General's independence in connection to the Clinton investigation." Comey wrote he was "bothered that there was classified information that would someday become public and used to attack the integrity of the investigation and, more important, call into question the independence of the FBI."

(U//[REDACTED] In classified testimony to the OIG, Comey confirmed the specific Classified Information, which was discussed in the New York Times article, and indicated it did impact his decision to make unilateral, public statements about the Midyear Exam investigation.

SUMMARY OF INVESTIGATIVE STEPS

(U//[REDACTED] Since the start of the investigation in August 2017, investigators have taken the following steps:

- Searched all FBI hardline phone and email records for contacts with known reporter facilities (also known as spin searches);
- Reviewed spin searches on [REDACTED] hardline phone and email records for known reporter facilities;
- Obtained and reviewed a multitude of telephone records on FBI cellular and work phones for FBI employees in the subject pool, including text messages;
- [REDACTED];
- [REDACTED];
- Analyzed handwritten notes taken by FBI employees;
- [REDACTED];

- Analyzed thousands of documents and other items of evidence [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

transmission. [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED]
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[REDACTED] [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

[REDACTED].

FBI ASSISTED WITH THE APRIL 2017 ARTICLE

Investigators learned that FBI Office of Public Affairs ("OPA") was told to assist the New York Times with the April 2017 article. According to interviews with FBI employees, Comey either directed or otherwise authorized FBI's official assistance to the New York Times. FBI OPA did not coordinate or brief DOJ leadership or DOJ OPA about this

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[REDACTED]

decision, even though AG Lynch had left the Department and DOJ regulations called for DOJ OPA coordination in cases of media contact with the New York Times. As part of the FBI's assistance, FBI officials Peter Strzok and Lisa Page were interviewed by the New York Times concerning this article in the presence of DOJ OPA officials.

[REDACTED] During an interview with the investigative team, Strzok stated he believed FBI Executive Management told them to meet with the New York Times. Strzok said he recalled being told to provide an investigator-level briefing on the Midyear Exam investigation. These briefings took place on March 10, 2017, March 30, 2017, and April 10, 2017. During the March 30, 2017 meeting, the New York Times told Strzok and Page they had the Classified Information. Strzok told investigators he did not recall the New York Times having the Classified Information, but Page told investigators she specifically recalled the Classified Information and took a break from the meeting to discuss with Strzok that the New York Times had the Classified Information. Page indicated she alerted her supervisors about the fact the New York Times had the Classified Information. According to FBI OPA, the New York Times advised them in their April 10, 2017 interview about the content of the article, including the Classified Information. [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

COMEY, RICHMAN, and THEIR INTERACTIONS WITH THE MEDIA

(U// [REDACTED] By way of background, Richman is a Columbia University Law Professor and a close friend of Comey. They met while working as Assistant United States Attorneys ("AUSAs") in the Southern District of New York ("SDNY"). The New York Times article contained several quotes, attributed to Daniel Richman, which defended Comey's decisions to make unilateral public statements about the Midyear Exam investigation. In 2015, Comey instructed the FBI to hire Richman as a Special Government Employee ("SGE") and to grant him a Top Secret clearance with access to Sensitive Compartmented Information ("SCI"). FBI records indicated Richman was hired to work on "Going Dark" matters. The investigation revealed Comey also hired Richman so Comey could discuss sensitive matters, including classified information, with someone outside of the FBI's regular leadership. Comey also used Richman as a liaison to the media. On several occasions, Richman spoke with the media without consultation with FBI or DOJ's Offices of Public Affairs. Richman contacted journalists to correct stories critical of Comey, the FBI and to shape future press coverage. Richman did this both when he was an SGE and after he resigned from the FBI.

(U// [REDACTED] The investigation revealed Richman had been a source for Michael Schmidt, one of the reporters credited with writing the article at issue, and the New York Times since at least 2008. Richman first spoke with Schmidt regarding an investigation into illegal activity in sports. Prior to Richman becoming an SGE, Schmidt visited Richman's

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[REDACTED]

[REDACTED]

house numerous times. The New York Times quoted Richman several times, both on the record and on background, in stories regarding Jim Comey. After he was terminated by President Trump, Comey used Richman as a conduit to convey to the media memoranda of his meetings with President Trump.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

(U// [REDACTED] Although Richman later told the interviewing agents Comey never asked him to talk to the media, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(U// [REDACTED] On November 22, 2019, the Arctic Haze investigative team interviewed Richman. According to Richman, Comey and Richman talked about the "hammering" Comey was taking from the media concerning his handling of the Midyear Exam investigation. Richman opined Comey took comfort in the fact Richman had talked to the press about his feelings regarding Comey's handling and decision-making on the Midyear Exam investigation. Richman claimed Comey never asked him to talk to the media.

[REDACTED] According to Richman, he and Comey had a private conversation in Comey's office in January 2017. The conversation pertained to Comey's decision to make a public statement on the Midyear Exam investigation. Comey told Richman the tarmac meeting between Lynch and Clinton was not the only reason which played into Comey's statement on the Midyear Exam investigation. According to Richman, Comey told Richman of Lynch's characterization of the investigation as a "matter" and not that of an investigation. Richman recalled Comey told him there was some weird classified material related to Lynch which came to the FBI's attention. Comey did not fully explain the details of the information. Comey told Richman about the Classified Information, including the source of the information. Richman understood the information could be used to suggest Lynch might not be impartial with regards of the conclusion of the Midyear Exam investigation. Richman understood the information about Lynch was highly classified and it should be protected. Richman was an SGE at the time of the meeting.

([REDACTED]) According to Richman, he and Schmidt had a conversation shortly after the meeting with Comey in or around January 2017. Richman claimed Schmidt brought up the Classified Information and knew more about it than he did. Richman was pretty sure he did not confirm the Classified Information. However, Richman told the interviewing agents he was sure "with a discount" that he did not tell Schmidt about the Classified Information. Richman did not know who gave Schmidt the Classified Information. Richman acknowledged he had many discussions with Schmidt about the article as an SGE and even after he resigned as an SGE. Richman acknowledged he contributed more to the article than what was attributed to him by name. Richman also stated he knew Schmidt talked to numerous other government sources for information on the article.

[REDACTED]

[REDACTED]

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[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED].

(U// [REDACTED] Investigators then turned their attention to individuals who were on the [REDACTED], [REDACTED], and had not yet been interviewed. [REDACTED] [REDACTED]

CONCLUSION

[REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED]
 [REDACTED]
 [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] We also understand DOJ NSD has historically not approved the prosecution of pure confirmatory sources of classified information under 18 U.S.C. § 793. The investigation has also not identified any evidence regarding any other specific person who had access to the Classified Information who willfully discussed the Classified Information with any of the Reporters.

(U// [REDACTED] Due to the inability to further narrow the subject pool and lack of other logical investigative steps, WFO has exhausted all leads in furtherance of the captioned investigation. Since there is no way to accurately scope the subject pool, additional techniques would not be effective in advancing the investigation, and insufficient evidence exists to pursue additional legal process.

(U// [REDACTED] Investigative efforts have failed to identify the source or sources of the unauthorized public disclosure. Per the FBI Domestic Investigations and Operations Guide (DIOG), 7.12.1, sufficient personnel and financial resources were expended on the investigation and there are no outstanding leads, logical investigative techniques, or evidence remaining. No further investigative activity is warranted and for these reasons described, WFO recommends closing this investigation.

(U// [REDACTED] Non-USPER:

(U// [REDACTED] Under DIOG Appendix G, Section 2.1, if a non-USPER, please provide narrative demonstrating that the person is or may be:

- ☐ A. A foreign power or working for a foreign power; or
- ☐ B. From a foreign country or entity that has been designated by the President or the Attorney General on the National Security Threat List (NSTL), in consultation with the National Security Council for purposes of the AGG-DOM based on the concern its activities present to the national security of the United States; or
- ☐ C. In another class designated by the Director of the FBI in consultation with the Assistant Attorney General for National Security.
- ☒ D. Not Applicable

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(U// [REDACTED]) **III. Sensitive Investigative Matter(s):**

Check all pertinent sensitive investigative matter(s), as defined in DIOG Section 10.2.3.2 A-G, and Appendix G, Section 7 that apply to this investigation (If applicable, provide a narrative below addressing the sensitive investigative matter):

- ☐ A. A domestic public official or political candidate
- ☐ B. A religious or political organization or an individual prominent in such an organization
- ☐ C. A member of the media or a news organization (unless excepted in DIOG Appendix G, Section G)
- ☐ D. An individual having an academic nexus (unless excepted in DIOG Appendix G, Section G)
- ☐ E. Any other matter which, in the judgement of the official authorizing an investigation, should be brought to the attention of FBIHQ and other DOJ officials
- ☐ F. Any matter subject to the SORC as per DIOG Appendix C and G
- ☒ G. Not Applicable

(U// [REDACTED]) **IV. Certification:**

The case agent and all approving personnel certify that:

- ☒ A. An authorized purpose and adequate predication exist for initiating the preliminary or full investigations;
- ☒ B. The investigation is not based solely on the exercise of First Amendment activities or race, religion, national origin or ethnicity of the subject; and
- ☒ C. The investigation is an appropriate use of personnel and financial resources.

♦♦

To: [REDACTED]; [REDACTED]
Subject: Notification of FBI Case Closing --- [REDACTED]
Attachments: Arctic+Haze+Closing+LHM.pdf

SentinelCaseId: [REDACTED]
SentToSentinel: 9/8/2021 6:38:31 PM

Classification: [REDACTED]

Classified By: [REDACTED]
Derived From: [REDACTED]
Declassify On: [REDACTED]

=====
Sent for Approval for RECORD//Sentinel Case [REDACTED]

Good Afternoon, Please find attached a Letterhead Memorandum notification of FBI case closing, code-named ARCTIC HAZE.

SSA [REDACTED]
Counterintelligence Division
[REDACTED]
(desk)
(cell)

=====
Classification: [REDACTED]



FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: [REDACTED] On 09/08/2021, FBIHQ and Department of Justice provided concurrence to close Arctic Haze invest

Date: 11/23/2021

From: WASHINGTON FIELD

WF-[REDACTED]

Con [REDACTED] :

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: [REDACTED]

[REDACTED] ARCTIC HAZE - Sensitive
Investigative Matter
SENSITIVE INVESTIGATIVE MATTER

Synopsis: [REDACTED] On 09/08/2021, FBIHQ and Department of Justice provided concurrence to close Arctic Haze investigation

Reason: [REDACTED]

Derived F [REDACTED]

Declassify On: [REDACTED]

Details:

[REDACTED] On 09/08/2021, FBIHQ and Department of Justice provided concurrence to close Arctic Haze investigation. The AUSA has requested the FBI to maintain the evidence in this case for nine months due to possible inspection from the Department of Justice Office of Inspector General.

♦♦